

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

GORDON RIDDICK,

Defendant.
-----X

ORDER

17 CR 505-17 (VB)

By Order dated June 1, 2020 (Doc. #400), the Court denied without prejudice defendant Gordon Riddick's motion for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) (See Doc. #399), because defendant's submission did not indicate whether the exhaustion requirement, a prerequisite to making such a motion, had been satisfied.

On June 12, 2020, the Court received by mail the attached submission from defendant, which indicates that on May 6, 2020, defendant made an application to the warden of his facility for compassionate release under Section 3582(c)(1)(A)(i), and that on May 18, 2020, the warden denied the application.

Thirty days from when defendant made his compassionate release application to the warden of the facility would be June 5, 2020. Thus, more than thirty days have lapsed since the warden's receipt of defendant's application. Accordingly, the Court construes defendant's pro se submission to state that he has exhausted his administrative remedies. In consideration of defendant's pro se status, and the fact that he is in custody, rather than require defendant to re-file his motion for a reduction of sentence, the Court deems the motion (Doc. #399) re-filed.

Accordingly, by July 6, 2020, the government is directed to file its response to defendant's motion. (See Doc. #399). The government is directed to address the merits of the motion.

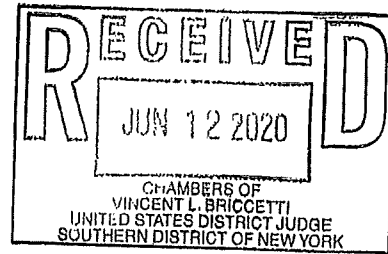
Chambers will mail a copy of this Order to defendant at the following address:

Gordon Riddick, Reg. No. 79446-054
FCI Schuylkill
P.O. Box 759
Minersville, PA 17954-0759

Dated: June 12, 2020
White Plains, NY

SO ORDERED:

Vincent L. Briccetti, U.S.D.J.

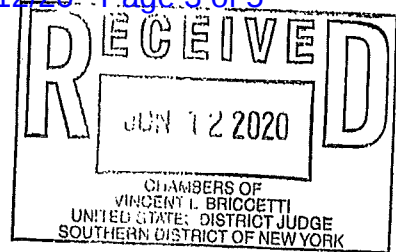


Dear Mr. Briccetti

This is my denial letter from the
Schuylkill warden, Scott Finley.
Mr. Carlos Santiago said i should
send this to you.

Thank you

Sincerely,
Gordon Riddick



RIDDICK, Gordon
Reg. No. 79446-054
Unit 2A
Request to Staff Response
Page 1 of 2

RESPONSE

This is in response to your Request to Staff received on May 6, 2020, in which you request Compassionate Release. You further state, you have a very weak immune system along with sickle cell trait. Additionally, you state your seven (7) year old daughter suffers from sickle cell anemia and you have a sick mother who suffers from breast cancer and the HIV virus. You provided, to your case manager, a letter from your mother documenting her medical condition and a letter from your daughter's primary care physician also documenting her medical condition. You request to be allowed to finish the rest of your sentence on an "ankle monitor" so you can be with your family during the Coronavirus pandemic.

Program Statement 5050.50, "Compassionate Release/Reduction in Sentence (RIS): Procedures for Implementation of 18 U.S.C. 3583 (C)(1)(A) and 4305(g)" Section 6, Requests based on non-medical circumstances-Incapacitation of a Spouse or Registered Partner, specifies: The criteria for an RIS request may include the incapacitation of an inmate's spouse or registered partner, when the inmate would be the only available caregiver for the spouse or registered partner. In your case, it is your mother and daughter who you claim have health concerns.

Program Statement 5050.50, "Compassionate Release/Reduction in Sentence (RIS): Procedures for Implementation of 18 U.S.C. 4205(g) or 3582(c)(1)(A)" Section 3, requests based on Medical Circumstances, specifies: A Compassionate Release/RIS request may be initiated for inmates with a terminal, incurable disease and whose life expectancy is eighteen (18 months) or less, and/or has a disease or condition with an end-of life trajectory under 18 U.S.C. 3582(d)(1). A Compassionate Release/RIS request may also be initiated for inmates who have a debilitated medical condition. More specifically, these inmates would be diagnosed with an incurable, progressive illness, or who have suffered a debilitating injury, from which they will not recover. Elderly inmates, age 65 and over, with medical conditions, may also initiate a Compassionate Release/RIS request.

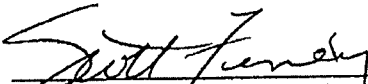
In your case, your mother and daughter do not meet the criteria as listed above. Specifically, neither your daughter nor mother are your spouse or registered partner.

Continuation Page 2 of 2
RIDDICK, Gordon
Reg. No. 79446-054

Additionally, your medical history does not meet the criteria, as stated above, regarding a Compassionate Release/RIS inmates with medical circumstances. You are currently able to independently adapt to activities of daily living and are able to perform self-maintenance activities in a correctional environment.

Accordingly, your Compassionate Release/RIS request is denied at this time.

If you are not satisfied with this response to your request, you may commence an appeal of this decision via the administrative remedy process by submitting your concerns on the appropriate form (BP-9) within 20 days of the receipt of this response.



Scott Finley, Warden

05/18/20
Date

Gordon Riddick 79446-054

Federal Correctional Institution Schuylkill
P.O. Box 759

Minersville, PA 17954-0759

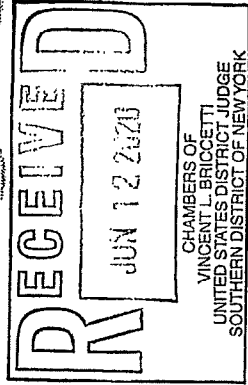
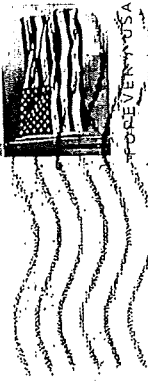
Mailed from

Federal Correctional Institution
Schuylkill, PA

**US
MAIL**

HARRISBURG PA 171

28 MAY 2020 PM 2 L



to Vincent L. Briccetti
United States District Court Judge
Southern District of New York
500 Pearl St. New York, NY 10007

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